IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8034 of 2005

Between:

S.Md. Kiran Pasha S/o. Syed Abdul Rahiman,
D.No. 5/223, Kotagadda St., Kadapa, Kadapa District.

..... PETITIONER

AND

1 The Municipal Commissioner, Kadapa Municipal Corporation, Kadapa.
2 The District Collector and Special Officer, Municipal Corporation, Kadapa.
3 The Mandal Revenue Officer, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring the action of the respondents in demolishing the building property bearing No. 5/244, 5/246, situate at Trunk Road (Madras Road) Kadapa as illegal, improper, unjust, arbitrary and violative of the principles of natural justice and further direct the respondents not to demolish the building bearing D.No. 5/244 and 5/246.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR MUNCIPAL ADMINISTRATION & URBAN DEVELOPMENT

This Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in seeking to demolish the petitioner's

building bearing Nos.5/244 and 5/246 situated at Trunk Road (Madras Road), Kadapa as illegal and arbitrary.

However, the learned standing counsel appearing for the respondent-Municipality, under instructions, states that the respondents have not yet taken up demolition of any buildings for the purpose of road widening as alleged by the petitioner.

The said statement of the learned standing counsel is placed on record, and the writ petition is disposed of making it clear that the respondents shall not demolish the building in question without following the due process of law. No order as to costs.

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G.ROHINI, J

15.04.2005

Note:

Issue C.C. by

next week.

B/o

DR

To

1 The Municipal Commissioner, Kadapa Municipal Corporation, Kadapa.
2 The District Collector and Special Officer, Municipal Corporation, Kadapa.
3 The Mandal Revenue Officer, Kadapa.

4 2 CCs to Government Pleader for Municipal Administration and Urban

Development, High Court Buildings, Hyderabad. (OUT)

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